

Introduced by Senator Wolk

February 19, 2016

An act to amend Section 568 of, and to add Sections 562 and 569 to, the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 1350, as introduced, Wolk. Agricultural lands: greenhouse gases: Healthy Soils Program.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The act authorizes the state board to include in its regulations the use of market-based compliance mechanisms. Existing law requires all moneys, except for fines and penalties, collected by the State Air Resources Board from the auction or sale of allowances as part of a market-based compliance mechanism to be deposited in the Greenhouse Gas Reduction Fund and to be available upon appropriation by the Legislature. Existing law requires the State Air Resources Board to develop guidance on reporting and quantification methods for state agencies receiving an appropriation from the Greenhouse Gas Reduction Fund.

Existing law, the Cannella Environmental Farming Act of 1995, requires the Department of Food and Agriculture to establish and oversee an environmental farming program to provide incentives to farmers whose practices promote the well-being of ecosystems, air quality, and wildlife and their habitat. The act requires the Secretary of Food and Agriculture to convene a 5-member Scientific Advisory Panel on Environmental Farming, as prescribed, for the purpose of providing

advice and assistance to federal, state, and local government agencies on issues relating to air, water, and wildlife habitat, as specified.

This bill would change the number of members on the panel from 5 to 7 members and would require that the secretary appoint 5 members, instead of 3, of these members. The bill would require that, of the members appointed by the secretary, at least 2 members, instead of one, have a minimum of 5 years of training and experience in the field of agriculture, and at least one member have training and experience in on-farm management practices that reduce greenhouse gas emissions, sequester carbon, or both.

The bill would require the State Air Resources Board to consult with the Secretary of Food and Agriculture and the panel in developing the quantification methods to demonstrate and quantify on-farm greenhouse gas emissions reductions.

The bill would require the Department of Food and Agriculture, in consultation with the panel, to establish and oversee a Healthy Soils Program to provide incentives, including loans, grants, research, and technical assistance, or educational materials and outreach, to farmers whose management practices contribute to healthful soils and result in net long-term on-farm greenhouse gas benefits. The bill would require the department to implement the program and quantify greenhouse gas emissions reductions in accordance with the quantification methods developed by the State Air Resources Board and specified funding guidelines. The bill would make \$20,000,000 available, upon appropriation by the Legislature, from the Greenhouse Gas Reduction Fund to the department to support the Healthy Soils Program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 562 is added to the Food and Agricultural
- 2 Code, to read:
- 3 562. (a) The Legislature further finds and declares all of the
- 4 following:
- 5 (1) California's agricultural output is larger and more diverse
- 6 than any state in the United States, providing the majority of the
- 7 country's fruits, vegetables, nuts, and dairy products. California's
- 8 agricultural lands and rangelands account for nearly 50 percent of
- 9 the state's land area.

1 (2) Dependent on land and natural resources, California
2 agriculture is uniquely vulnerable to climate change, which poses
3 a serious threat to California agriculture with rising temperatures,
4 increases in extreme weather events, constrained water resources,
5 reduced winter chilling hours, and rising sea levels.

6 (3) California agriculture also is uniquely positioned to provide
7 climate benefits by reducing greenhouse gas emissions. Research
8 funded by the State Energy Resources Conservation and
9 Development Commission's Public Interest Energy Research
10 program finds that some agricultural practices will not only reduce
11 greenhouse gas emissions, but they also may help to store carbon
12 in soils and trees. Carbon storage is an important strategy to help
13 meet the state's greenhouse gas emissions targets. In addition,
14 California's agricultural lands and rangelands hold the potential
15 to sequester millions of metric tons of carbon, resulting in enhanced
16 agricultural production and increased resilience to climate change
17 and drought.

18 (4) Robust, peer-reviewed, published data strongly support the
19 hypothesis that on-farm and ranch soil and vegetation management
20 can significantly enhance soil carbon sequestration, resulting in a
21 wide range of environmental and agricultural cobenefits, including
22 increased water retention in soils, improved water quality, soil
23 health, and forage quantity and quality, reductions in greenhouse
24 gases, and climate adaptation and resilience.

25 (5) Steps taken by those working in California agriculture to
26 reduce greenhouse gas emissions and sequester atmospheric carbon
27 can provide other important environmental cobenefits, such as
28 improved air and water quality, water conservation, enhanced
29 wildlife habitat, and healthier rural communities.

30 (b) It is, therefore, the intent of the Legislature to enhance the
31 long-term viability of California agriculture by supporting activities
32 that reduce climate change impacts that may negatively impact it
33 and the rest of the state.

34 (c) It is further the intent of the Legislature that the department,
35 pursuant to this article, support the state's agricultural sector in
36 pursuing on-farm practices and activities that reduce greenhouse
37 gas emissions and increase carbon storage in agricultural soils and
38 woody biomass.

39 SEC. 2. Section 568 of the Food and Agricultural Code is
40 amended to read:

1 568. (a) The secretary shall convene a ~~five-member~~
2 *seven-member* Scientific Advisory Panel on Environmental
3 Farming to advise and assist federal, state, and local government
4 agencies on issues relating to air, water, and wildlife habitat to do
5 the following:

6 (1) Review data on the impact that agriculture has on the
7 environment and recommend to appropriate state agencies data
8 that the panel approves as scientifically valid. A state agency that
9 receives data recommended by the panel may adopt and incorporate
10 the data into the appropriate program. If a state agency does not
11 utilize the data recommended by the panel, it shall provide the
12 panel with a written statement of reasons for not utilizing the data.
13 The reasons, at a minimum, shall specify the scientific basis for
14 not utilizing the data. The reasons shall be provided within 180
15 days of receiving the data from the panel.

16 (2) Compile the net environmental impacts that agriculture
17 creates for the environment, identified pursuant to paragraph (1).

18 (3) Research, review, and comment on data upon which
19 proposed environmental policies and regulatory programs are based
20 to ensure that the environmental impacts of agricultural activities
21 are accurately portrayed and to identify incentives that may be
22 provided to encourage agricultural practices with environmental
23 benefits.

24 (4) Assist government agencies to incorporate benefits identified
25 pursuant to paragraph (1) into environmental regulatory programs.

26 (b) Members of the panel shall be highly qualified and
27 professionally active or engaged in the conduct of scientific
28 research. Of the members first appointed to the panel, two shall
29 serve for a term of two years and three shall serve for a term of
30 three years, as determined by lot. Thereafter, members shall be
31 appointed for a term of three years. The members shall be
32 appointed as follows:

33 (1) ~~Three~~ *Five* members shall be appointed by the secretary. At
34 ~~least one~~ *two* of these members shall have a minimum of five years
35 of training and experience in the field of agriculture and shall
36 represent production agriculture. *At least one of the five members*
37 *shall have training and experience in on-farm management*
38 *practices that reduce greenhouse gas emissions, sequester carbon,*
39 *or both.*

(2) One member, who has a minimum of five years of training and experience in the field of human health or environmental science, shall be appointed by the Secretary ~~of the~~ *for* Environmental Protection Agency. *Protection.*

(3) One member, who has a minimum of five years of training and experience in the field of resource management, shall be appointed by the Secretary of the Resources Agency.

(c) The panel may establish ad hoc committees, which may include professionals or scientists, to assist it in performing its functions.

(d) The panel shall be created and maintained with funds made available from existing resources within the department to the extent they are available.

(e) *The State Air Resources Board shall consult with the secretary and the panel, as appropriate, in developing the quantification methods described in subdivision (b) of Section 16428.9 of the Government Code as it relates to the demonstration and quantification of on-farm greenhouse gas emissions reductions.*

SEC. 3. Section 569 is added to the Food and Agricultural Code, to read:

569. (a) The department, in consultation with the panel, shall establish and oversee a Healthy Soils Program. The program shall provide incentives, including, but not limited to, loans, grants, research, and technical assistance, and educational materials and outreach, to farmers whose management practices contribute to healthful soils and result in net long-term on-farm greenhouse gas benefits. The program may also include the funding of on-farm demonstration projects that further the goals of the program.

(b) The department shall implement the program and quantify greenhouse gas emissions reductions in accordance with the funding guidelines developed by the State Air Resources Board pursuant to Section 39715 of the Health and Safety Code and the quantification methods developed by the State Air Resources Board pursuant to Section 16428.9 of the Government Code.

(c) (1) The sum of twenty million dollars (\$20,000,000) shall be made available, upon appropriation by the Legislature, from the Greenhouse Gas Reduction Fund to the department to support the Healthy Soils Program.

- 1 (2) The department may also pursue other public and private
- 2 sources to support the Healthy Soils Program.

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